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May 9, 2018

BY ECF

Hon. Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Jason Galanis, et al.*, S1 16 Cr. 371 (RA)

Dear Judge Abrams:

I represent Devon Archer. I write pursuant to the Court's May 7, 2018 Memo Endorsement requesting a response to the government's May 4, 2018 letter regarding the status of the parties' stipulations.

Mr. Archer has not ignored the government's stipulations. Since the government's initial production of its 1,127 exhibits, Mr. Archer has worked consistently to determine which exhibits are appropriate for stipulation, notwithstanding the fact that the government has renumbered its exhibits, replaced numerous exhibits with different versions, added exhibits (on at least one occasion, more than 100 additional exhibits), and failed to produce exhibits referenced on its stipulations. Mr. Archer has provided several rounds of comments to the government's stipulations, including most recently providing comments this evening to a revised draft of the government's stipulations that were circulated this morning. Mr. Archer will continue to work quickly so that the government can determine as soon as possible which document custodians are necessary for trial.

In addition, since the government's May 4, 2018 letter, Mr. Archer has turned several drafts of his own stipulations in response to comments from the government. On May 4, Mr. Archer met and conferred with the government regarding his proposed stipulations, which were originally provided to the government on or about April 26, 2018 (defense exhibits having been produced three days earlier, as the parties had agreed). Mr. Archer provided the government with a revised draft on May 7, 2018, in response to the government's initial comments. The following day, the government responded with additional comments, but to Mr. Archer's original draft rather than the revised stipulations. Today, Mr. Archer provided the government with a further revised set of stipulations incorporating all of the government's comments and will continue to work to resolve the remaining areas of disagreement as soon as possible.

The government has indicated that it must receive reciprocal guarantees of agreement from defendants before the government will consent to sign any of Mr. Archer's stipulations, including stipulations to authenticate materials the government produced and/or drafted.

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Notwithstanding that condition, Mr. Archer is confident that any remaining issues will be resolved in time for both sides to determine which, if any, custodians will be required to testify.

Thank you for your consideration.

Respectfully,

/s/ Matthew L. Schwartz
Matthew L. Schwartz
